

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,

CASE NO. 1:09-cv-00809-LJO-SKO PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
THAT DEFENDANT’S MOTION TO DISMISS
BE DENIED

v.

T. QUILLEN, et al.,

(ECF. Nos. 27, 31)

Defendants.

Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. At this juncture, this action is proceeding on Plaintiff’s first amended complaint, filed September 16, 2010, against Defendant T. Quillen for excessive force in violation of the Eighth Amendment and J. Wise for retaliation in violation of the First Amendment.¹ The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 3, 2011, the Magistrate Judge issued [findings and recommendations](#) recommending that Defendant’s motion to dismiss be denied. The parties were given thirty days within which to file objections, and none were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed February 3, 2011, is adopted in full; and
2. Defendant’s motion to dismiss is DENIED.

IT IS SO ORDERED.

Dated: March 15, 2011

/s/ Lawrence J. O’Neill

¹On February 24, 2011, an order was issued directing the United States Marshal to serve Defendant J. Wise.

UNITED STATES DISTRICT JUDGE

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